

FILED

JAN 31 2018

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Clerk, U S District Court
District Of Montana
Billings

FILED *Jarie Klemel*
CLERK OF DISTRICT COURT
MAR 8 2017
BY *Home Richman*
DEPUTY

MONTANA SEVENTH JUDICIAL DISTRICT, RICHLAND COUNTY

MISTY METCALF

) CAUSE NO. DV-17-23

PLAINTIFF,

) JUDGE

vs.

) COMPLAINT

ONEOK, INC.,

) CV-18-11-Big - SPW-TJC

DEFENDANTS.

COMES NOW Petitioner, MISTY METCALF, and respectfully petitions and shows this Court as follows:

1. That at all times pertinent, the Plaintiff, Misty Metcalf, has been a resident of Richland County, Montana.
2. That at all times pertinent, the Defendant, ONEOK, Inc., Corporation, with its principal place of business in Tulsa, Oklahoma, has been conducting business and has employed and provided benefits to the Plaintiff up through March 8, 2016.
3. That Defendant entered into what it describes as an "Independent Contractor Agreement" with the Plaintiff. However, that contract is contrary to public policy and the law of the State of Montana in that ONEOK, Inc., controlled the manner,

means, and location of all work and production that the Plaintiff was employed to complete. In short, the Plaintiff was a servant with the Defendant acting as the Master.

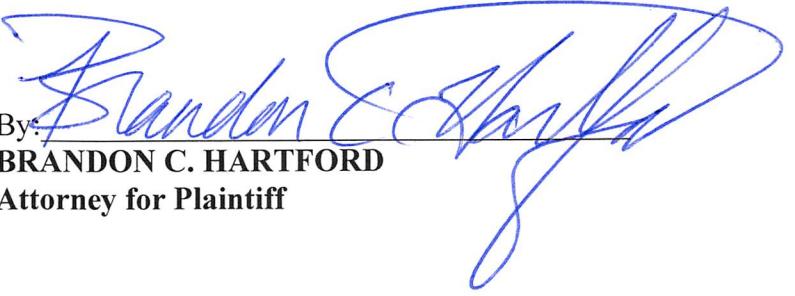
4. Plaintiff has been employed by ONEOK Inc., for at least the last eleven years, as such, any such probationary period has lapsed.
5. Plaintiff discharge was not for good cause. As previously stated, the discharge was wrongful as described in 39-2-204(2) M.C.A. There was no reasonable, job related grounds for dismissal. Further, there was no legitimate business related reason for the dismissal.
6. Plaintiff alleges and avers that the Defendant violated public policy provisions and various aspects of labor law when it failed to provide worker's compensation benefits or withheld required social security taxes.
7. The Plaintiff, as a result of the Defendant's conduct, was forced to pay her own social security taxes and went without workers compensation coverage for the duration of her employment.
8. Plaintiff suffered pecuniary damages as a result of the wrongful discharge as codified at 39-2-905 M.C.A.

WHEREFORE, Plaintiff demands judgment against the Defendant as follows:

- A. For damages as allowed by law, to be determined at trial;
- B. For costs and expenses incurred herein;
- C. For such other relief as the Court deems just and equitable;

RESPECTFULLY SUBMITTED this 8th day of March, 2017

HARTFORD LAW OFFICE

By: 
BRANDON C. HARTFORD
Attorney for Plaintiff